

SUMMARY OF CLAIMS

Claims 1-30 are cancelled. Claims 31-53 are new and pending. Reconsideration is respectfully requested in light of the following remarks.

REMARKS

I. Claim Objections:

The Examiner has objected to claims 15, 23, and 30 because of informalities. The above claims have been cancelled. Therefore, Applicant respectfully requests withdrawal of the objections.

II. Claim Rejections Under 35 U.S.C. 103:

The Examiner has rejected claims 1, 4-23, 25, and 27-30 under 35 U.S.C. 103(a) as being unpatentable over Voyvodic "Real-Time fMRI Paradigm Control" in view of Kaufman *et al.* (U.S. Patent No. 5,184,074).

Applicant respectfully traverses the rejection as it is stated in MPEP 2143 that to establish a prima facie case of obviousness "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Neither Voyvodic "Real Time fMRI Paradigm Control" nor Kaufman et al. (US Patent No. 5, 184, 074) teach or suggest all of the limitations in independent claims 31, 48, and 53. Therefore the above rejection should be removed.

For example, independent method claim 31 recites the step of: "employing a computer executable logic that takes said measured activity and communicates information to said subject *based on said measured activity* . . . [to guide] the cognitive processes of said subject."

Similarly, independent method claim 48 recites the step of: "communicating one or more instructions to said subject *based on said measured activity* of said one or more internal voxels in substantially real time."

Finally, independent claim 53 recites the step of: “logic for communicating information to said subject *based on measured activity* in substantially real time from when said measured activity is performed.”

The above limitations are not disclosed or suggested in either Kaufman or Voyvodic.

In contrast, Kaufman discloses using MRI to detect brain anatomy not function as can be detected using a fMRI. Moreover, Kaufman provides that, “[i]f the monitor is also within the viewing field of the patient, it permits patient feedback directly. In addition to useful bio-physical feedback uses, such feedback may also be useful in patient motion studies or even as a patient entertainment system during the initial setup procedures and the like.” Kaufman ‘074, Col. 3, lines 4-8. Placing the monitor within the viewing field of the patient as disclosed in Kaufman does not employ “a computer executable logic that takes said measured activity and communicates information to said subject based on said measured activity . . . [to guide] the cognitive processes of said subject,” as is recited by independent claim 31. Furthermore, the monitor in Kaufman does not communicate “one or more instructions to said subject based on measured activity,” as is recited by independent claim 48. Finally, the monitor in Kaufman does not use “logic for communicating information to said subject based measured activity in substantially real time from when said measured activity is performed,” as is recited by independent claim 53.

Based on the foregoing, Kaufman does not teach or disclose all of the claimed limitations of independent claims 31, 48, and 53.

Voyvodic does not cure the above defects in Kaufman. Voyvodic discloses that “[v]isual stimuli were presented to the subject in the MR scanner via a standard video projector.” According to Voyvodic, “[a]udio stimuli were presented via speakers mounted within the RF shielded box, with sound conveyed from the speakers to the subject via hard plastic tubing and audio headphones placed inside a pair of sound deadening ear muffs” (Voyvodic page 92, Methods section). Furthermore, “[f]or testing purposes, three different fMRI paradigms were used. . . paradigms were programmed to begin task execution automatically as soon as they detected that the scan had begun.” (Voyvodic page 94, Paradigms section).

Thus, Voyvodic does not teach all of the claimed limitations. For example, like Kaufman, Voyvodic does not disclose “a computer executable logic that takes said measured activity and communicates information to said subject ***based on said measured activity*** . . . [to guide] the cognitive processes of said subject,” as is recited by independent claim 31. Furthermore, Voyvodic does not disclose communicating “one or more instructions to said subject ***based on said measured activity***,” as is recited by independent claim 48. Finally, Voyvodic does not disclose the use of “logic for communicating information to said subject ***based on measured activity*** in substantially real time from when said measured activity is performed,” as is recited by independent claim 53.

As neither Kaufman nor Voyvodic disclose the above limitations of independent claims 31, 48, and 53, Applicant respectfully requests that the above rejection under 35 USC 103 be withdrawn.

CONCLUSION

In light of the remarks and amendments set forth above, Applicant believes that the claims are in condition for allowance. Applicant respectfully solicits the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any fees that may be required in connection with this submission, including petition fees and extension of time fees, and to credit any overpayments to Deposit Account No. 23-2415 (Attorney Docket No. 27969-702).

Respectfully submitted,

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